

REMARKS

This Amendment, submitted in response to the Office Action dated April 21, 2006, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-12 have been examined and rejected under 35 U.S.C. § 102(b).

I. Rejection of Claims 1-12 under 35 U.S.C. § 102(b)

Claims 1-12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hendriks et al. (WO 01/24174). Applicants submit that the claims are patentable.

For example, Claim 1 recites that an objective lens comprises a first and a second refracting interface and a refractive index varying member and that the objective lens is a single lens. On the other hand, Applicants submit that Hendriks does not teach or suggest an objective lens that is a single lens. For example, each embodiment disclosed in Hendriks teaches that the alleged objective lens is a **compound objective lens** that includes a first lens element and a second lens element **fixed at a mutual relative spacing by a rigid mounting**. (Hendriks, Page 4, Ln. 9-11, Page 6, Ln. 28-31 and Figures 1 - 5B). Since the compound lens of Hendriks does not suggest, and actually teaches away from a single lens, Claim 1 is patentable. Since Claim 7 recites similar elements, Claim 7 is patentable for at least similar reasons. Also, since Claims 2-6 and 8-12 depend on Claim 1 or 7, they are patentable at least by virtue of their dependency.

II. New Claims

Applicants have added Claims 13 and 14 to provide a more varied scope of protection.

Claims 13 and 14 are patentable at least by virtue of their dependency on Claim 1 or 7.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No. 10/655,349

Atty. Docket No. Q77339

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Grant K. Rowan

Registration No. 41,278

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: July 19, 2006